



Appeals - rather, defendants' appeal of that judgment was dismissed on August 30, 1999.

The parties expect to finalize the settlement shortly and then submit a notice of satisfaction of the judgment with this Court.

Therefore, the parties respectfully request that this Court correct its Order of October 12, 1999 to reflect that its Judgment of November 2, 1998 remains the judgment in this case.

Dated, this 22nd day of October, 1999.

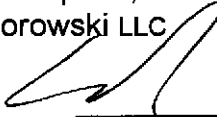
MICHAEL A. O'QUINN, P.C.

*by permission  
MAB*  
Michael A. O'Quinn  
Michael A. O'Quinn  
Ga. Bar No. 553056  
21 Sims Street  
McDonough, GA 30253  
770-898-0333

Attorney for Defendants

Respectfully submitted,

Thompson, Rollins, Schwartz &  
Borowski LLC

  
\_\_\_\_\_  
Marcia Borowski  
Ga. Bar No. 068625  
750 Commerce Drive, Suite 100  
Decatur, GA 30030  
404-377-7717

Attorney for Plaintiffs

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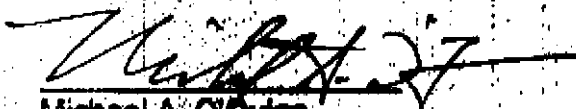
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Ga. Bar No. 068625  
750 Commerce Drive, Suite 100  
Decatur, GA 30030  
404-377-7717

Attorney for Plaintiffs

NO. 98-9477

---

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

---

HERBERT E. BRETT, DAVID HANNAH,  
WAYNE D. HATTAWAY, and JERRY O. HUDSON,

Plaintiffs-Appellees,

vs.

JEFFERSON COUNTY and CHARLES GARY HUTCHINS,  
in his Official Capacity as Sheriff,

Defendants-Appellants.

AUG 30 1999

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STIPULATION OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE

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Michael A. O'Quinn, P.C.  
Michael A. O'Quinn  
21 Sims Street  
McDonough, GA 30253  
(770) 898-0333



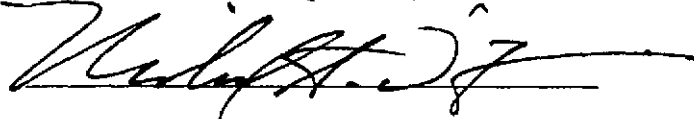
A p1 of 5

**STIPULATION OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE**

Pursuant to F.R.A.P. 42(b) and 11th Cir. R 42-1(a), Appellants and Appellees hereby jointly stipulate and agree that the within and foregoing proceeding and appeal shall be dismissed, without prejudice. Appellants shall bear all costs of this appeal.

STIPULATED AND AGREED TO this 27<sup>th</sup> day of August, 1999.

MICHAEL A. O'QUINN, P.C.

A handwritten signature in black ink, appearing to read "Michael A. O'Quinn", written over a horizontal line.

Michael A. O'Quinn

GA Bar No. 553056

21 Sims Street

McDonough, GA 30253

Telephone: (770) 898-0333

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Attorney for Appellants

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15/ Marcia W. Borowski:

Marcia W. Borowski, Esq.

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Decatur, GA 30030

Telephone: (404) 377-7717

Telecopier: (404) 377-5119

Attorney for Appellees

*by MTD v/express  
permission (teletaxed  
signature attached)*

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Attorney for Appellees

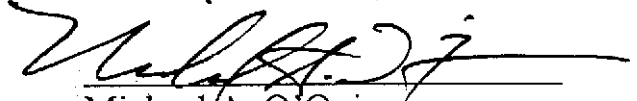
**CERTIFICATE OF SERVICE**

This will hereby certify that I, the undersigned, have this day served the foregoing STIPULATION OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE upon all parties by placing a correctly addressed copy of same in the United States Mail, correct postage affixed thereto, to insure delivery to the following:

Marcia W. Borowski, Esq.  
Thompson, Rollins, Schwartz & Borowski, L.L.C.  
750 Commerce Drive  
Suite 100  
Decatur, GA 30030

This 27<sup>th</sup> day of August, 1999.

MICHAEL A. O'QUINN, P.C.

  
Michael A. O'Quinn

State Bar No. 553056

21 Sims Street

McDonough, GA 30253

Telephone: (770) 898-0333

Telecopier: (770) 898-0330



**United States Court of Appeals**

Eleventh Circuit  
56 Forsyth Street, N.W.  
Atlanta, Georgia 30303

**Thomas K. Kahn**  
Clerk

In Replying Give Number  
Of Case And Names of Parties

August 30, 1999

Henry R. Crumley  
Clerk, U.S. District Court  
500 East Ford Street  
Augusta GA 30901

RE: 98-9477 -HH      Brett v. Jefferson County, GA  
DC DKT NO.: 93-00144 CV-1

The enclosed certified copy of this Court's Order of Dismissal is issued as the mandate of this court.

Also enclosed is the record on appeal, which consists of:  
five (5) volumes and one (1) box of exhibits.

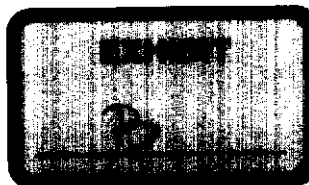
Please acknowledge receipt by returning the enclosed copy of this letter.

Sincerely,

THOMAS K. KAHN, Clerk

Reply To: Freda Dixon (404) 335-6142

Encl.



DIS-4 (1-1999)

B p1 of 2

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 98-9477

FILED  
U.S. COURT OF APPEALS  
ELEVENTH CIRCUIT

AUG 30 1999

THOMAS K. KAHN  
CLERK

HERBERT E. BRETT,  
DAVID HANNAH, et al.,

Plaintiffs-Appellees,

versus

JEFFERSON COUNTY, GEORGIA,  
CHARLES GARY HUTCHINS, individually  
and in his official capacity as Sheriff,  
Jefferson County,

Defendants-Appellees.

-----  
On Appeal from the United States District Court for the  
Southern District of Georgia  
-----

BEFORE EDMONDSON and BIRCH, Circuit Judges, and OWENS\*, Senior  
District Judge.

BY THE COURT:

The parties' "Stipulation of Voluntary Dismissal,"  
construed as a motion to dismiss this appeal without prejudice,  
with each party bearing its own fees and costs on appeal  
is granted.

\*Honorable Wilbur D. Owens, Jr., Senior U.S. District Judge for the  
Middle District of Georgia, sitting by designation.

Bp2012

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
AUGUSTA DIVISION**

**HERBERT E. BRETT, DAVID HANNAH,  
WAYNE D. HATTAWAY, and  
JERRY O. HUDSON,**

**Plaintiffs,**

**v.**

**Civil Action No. 1:93-144**

**JEFFERSON COUNTY, GEORGIA,  
and CHARLES GARY HUTCHINS,  
individually and in his official  
capacity as SHERIFF, JEFFERSON COUNTY,**

**Defendants.**

---

**CERTIFICATE OF SERVICE**

This is to certify that I have this day served a copy of the Joint Motion to Correct

Mistake upon counsel for defendant by first class U.S. mail addressed to:

Michael A. O'Quinn  
21 Sims Street  
McDonough, Georgia 30253

This 22d day of October, 1999.

BY: 

Marcia Borowski  
Georgia Bar No. 068625

Attorney for Plaintiffs

750 Commerce Drive, Suite 100  
Decatur, GA 30030  
404/377-7717